UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,496	09/02/2003	Hirotaka Ohashi	116706	2714

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EXAMINER
NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/652,496	OHASHI ET AL.
Office Action Summary	Examiner	Art Unit	
	Chau Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 September 2003</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/02/2003</u>, 12/08/2003, 12/02/2005

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-21 are present for examination.

Information Disclosure Statement

2.   The information disclosure statement (CN 1339752 A) filed on 12/02/2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the CN 1339752 is in Chinese language.   It has been placed in the application file, but the information referred to therein has not been considered as to the merits.   Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e).   See MPEP § 609.05(a).

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claim 21 is rejected under 35 U.S.C. 101 because all the recited steps of the

layout method that can be done by a person as a mental step or using pencil and paper.

Also the layout method requires the use of hardware to accomplish the recited steps.

Therefore, claim 21 is non-statutory as not being tangible.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

6.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by

Johnson et al. (Johnson), US Patent No. 6,453,302.

7.   As to independent claims 1 and 21, Johnson discloses a layout system,

comprising:

        a layout device that produces a layout of published information, the layout device

producing the layout by storing the published information in an information storage

frame according to a template that defines items related to the information storage

frame arranged in a predetermined layout region (col. 4, lines 18-60 and col. 10, lines

50-62: the presentation generation system 104 (the layout device) generates a presentation (a layout of published information by using cover page template that defines layout and content or topic of the information) , the system further comprising:

a template storage device that stores a plurality of different templates (col. 7, lines 13-29 and col. 8, lines 43-55: template information 28 (template storage) includes templates used by the presentation generation system 104),

the layout device being adapted to select a template out of the template storage device according to attributes of the published information and to produce a layout of the published information according to the selected template (col. 8, lines 35-42, and col. 10, lines 12-49: the presentation generation system 104 identifies appropriate a cover page template defining a cover page (this step may include identifying an appropriate cover page form a plurality of cover pages) based on customer information, the presentation generation system 104 then integrates the template with the information to form a presentation (a layout of the published information).

8.   As to independent claims 2, 6 and 10, Johnson discloses a layout system, comprising:

a published information storage device that stores a plurality of pieces of published information (col. 7, lines 14-29: a memory arrangement 200 stores customer data and seller data (pieces of published information));

a published information selection device that selects the published information out of the published information storage device (col. 10, lines 28-38: retrieving information (customer and seller data) from the memory arrangement 200); and

a layout device that produces a layout of the published information selected out of the published information selection device, the layout device producing a layout by storing the published information in an information storage frame according to a template that defines items related to the information storage frame arranged in a predetermined layout region (col. 4, lines 18-60 and col. 10, lines 50-62: the presentation generation system 104 (the layout device) generates a presentation (a layout of published information by using cover page template that defines layout and content or topic of the information); and

a template storage device that stores a plurality of different templates (col. 7, lines 13-29 and col. 8, lines 43-55: template information 28 (template storage) includes templates used by the presentation generation system 104),

the layout device being adapted to select a template out of the template storage device according to the amount of published information selected by the published information selection device and to produce a layout of the published information according to the selected template (col. 8, lines 35-42, and col. 10, lines 12-49: the presentation generation system 104 identifies appropriate a cover page template defining a cover page (this step may include identifying an appropriate cover page form a plurality of cover pages) based on customer information, the presentation generation

system 104 then integrates the template with the information to form a presentation (a layout of the published information).

9.   As to dependent claims 3, 7 and 11, Johnson discloses the template being a page template that defines the shape, size, and arrangement of an information storage frame to be arranged in a layout region in page units (col. 10, lines 50-62: cover page template includes rules that define the layout and content or topic as well as color, size, shape).

10.   As to dependent claims 4, 8 and 12, Johnson discloses the template being related to information that indicates the amount of publishable information which can be stored in the information storage frame defined by a relevant page template (col. 10, lines 12-62: the cover page template defines locations associated with rules which in turn define the layout of the cover page as well as the content, size, and other characteristics of the information on the cover page),

the layout device being adapted to select out of the template storage device a page template that is suitable for the amount of published information selected by the published information selection device (col. 10, lines 12-27: based on the customer solution or customer information (amount of published information), retrieving a template defining a cover page).

11.   As to dependent claims 5, 9 and 13, Johnson discloses the layout device being

adapted to calculate a total amount of published information which has been selected

by the published information selection device but for which a layout has not been

produced, to calculate an average amount of the published information on the basis of

the calculated total amount of published information, and to select a page template of

the amount of publishable information suitable for the calculated average amount of

published information (col. 5, line 27 – col. 6, line 15 and col. 8, lines 35-56).

12.   As to dependent claim 18, Johnson discloses a user information storage device

that stores user information related to a user, the published information selection device

being adapted to select published information out of the published information storage

device on the basis of the user information in the user information storage device (col.

5, line 33 – col. 6, line 15: customer solution system includes a customer tool which

provides a convenient interface for entering customer information, and the customer

information include a customer's profile, and the presentation generation system

accesses the customer information and the customer solution, automatically generates

presentation items based on the customer information and customer solution).

13.   As to dependent claim 19, Johnson discloses a user information storage device

that stores user information related to a user, the layout device producing a layout of the

published information selected by the published information selection device on the

basis of the user information in the user information storage device (col. 5, line 33 – col.

6, line 15: customer solution system includes a customer tool which provides a convenient interface for entering customer information, and the customer information include a customer's profile such as name, address, size, contact, specific interest, etc..., and the presentation generation system accesses the customer information and the customer solution, automatically generates presentation items based on the customer information and customer solution).

14.   As to dependent claim 20, Johnson discloses the layout device being adapted to select a template out of the template storage device according to attributes of the published information, and to produce a layout of the published information according to the selected template (col. 8, lines 35-42, and col. 10, lines 12-49: the presentation generation system 104 identifies appropriate a cover page template defining a cover page (this step may include identifying an appropriate cover page form a plurality of cover pages) based on customer information, the presentation generation system 104 then integrates the template with the information to form a presentation (a layout of the published information).

15.   As to independent claim 14, Johnson discloses a layout system, comprising:

        a published information storage device that stores a plurality of pieces of published information storage device (col. 7, lines 14-29: a memory arrangement 200 stores customer data and seller data (pieces of published information));

a published information selection device that selects the published information out of the published information storage device (col. 10, lines 28-38: retrieving information (customer and seller data) from the memory arrangement 200); and

a layout device that produces a layout of the published information selected out of the published information selection device, the layout device producing a layout by storing the published information in an information storage frame according to a template that defines items related to the information storage frame arranged in a predetermined layout region (col. 4, lines 18-60 and col. 10, lines 50-62: the presentation generation system 104 (the layout device) generates a presentation (a layout of published information by using cover page template that defines layout and content or topic of the information);

the published information being related to information that indicates the importance of the published information (col. 5, lines 43-57 and col. 9, line 60 – col. 10, line 11);

a template storage device that stores a plurality of different templates (col. 7, lines 13-29 and col. 8, lines 43-55: template information 28 (template storage) includes templates used by the presentation generation system 104),

the layout device being adapted to select a template out of the template storage device according to the importance of published information selected by the published information selection device and to produce a layout of the published information according to the selected template (col. 8, lines 35-42, and col. 10, lines 12-49: the presentation generation system 104 identifies appropriate a cover page template

defining a cover page (this step may include identifying an appropriate cover page form a plurality of cover pages) based on customer information, the presentation generation system 104 then integrates the template with the information to form a presentation (a layout of the published information).

16.   As to dependent claim 15, Johnson discloses the template being a page template that defines the shape, size, and arrangement of an information storage frame to be arranged in a layout region in page units (col. 10, lines 50-62: cover page template includes rules that define the layout and content or topic as well as color, size, shape).

17.   As to dependent claim 16, Johnson discloses the page template being related to information that indicates the recommended importance of published information to be stored in the information storage frame defined by the relevant page template (col. 5, lines 43-57, and col. 10, lines 12-62: the cover page template defines locations associated with rules which in turn define the layout of the cover page as well as the content, size, and other characteristics of the information on the cover page), and

the layout device being adapted to select out of the template storage device a page template with a recommended importance suitable for the importance of the published information selected by the published information selection device (col. 9, line 60 – col. 10, line 27: based on the customer solution or customer information (amount of published information), retrieving a template defining a cover page).

18.   As to dependent claim 17, Johnson discloses the layout device being adapted to specify the highest level of importance of those levels of importance of published information to be published on each page among the published information which has been selected by the published information selection device but for which a layout has not been produced, and to select a page template with recommended importance suitable for the specified importance out of the template storage device (col. 5, line 27 – col. 6, line 15 and col. 8, lines 35-56).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The Examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WILLIAM BASHORE
PRIMARY EXAMINER
2/5/2006